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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | | |
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| 10/581,909 | 02/23/2007 | Yukitomo Yuhara | 371312003300 | 9276 | | |
| 25227 | 7590 | 10/15/2009 | EXAMINER | | | |
| MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102 | | | | CALABRESE, MICHAEL A | | |
| ART UNIT | | PAPER NUMBER | | | | |
| 3637 | | | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/581,909 | YUHARA ET AL. | |
| | Examiner | Art Unit | |
| | MICHAEL CALABRESE | 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2008/12/11, 2006/06/07</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers (PCT/JP/018135) submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because it does not contain one single paragraph. It should also be noted that the abstract should be limited to 150 words. Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The disclosure is objected to because of the following informalities: The specification does not contain the correct headings. The headings such as "Solution", "Description of the reference numbers", "Best mode for carrying out the invention", and "Industrial applicability" are not required or preferred.
5. Also, the Claims and the Abstract must each start on a separate sheet/page. Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

6. Claim 1 is objected to because of the following informalities: It is recommended the word "out" in line 14 of page 20 of the disclosure be changed to "one". Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The phrase "adapted to" in line 17 of page 18 and lines 2, 16, and 18 of page 19 should be removed and the limitations be positively specified so as to more clearly define the device.

10. It seems that the positioning ditch which is formed along the periphery of the positioner should be a plurality of positioning ditches. Also, the corresponding engagement projection should be a plurality of engagement projections.

11. It is unclear as to what direction the "push-into operation of the storage body" is. Is this term intended to refer to the direction of sliding of the storage body? The "operation" of the push-into operation could be construed as the locking and/or latching mechanism directions. It is unclear as to if this direction refers to just the sliding motion, or to the sliding and rotational movements. The directions of the movements of the components must be clearly presented.

12. It is unclear as to if the phrase "to perform relative rotation to the positioner" found in lines 29-30 of page 18 of the disclosure means that the cylindrical rotator is able to rotate the positioner (by way of generating a rotational force on the positioner) or is able to be rotated relative to the positioner. For the purposes of this examination, the

position is taken that the position is able to create a rotational force on the positioner, thereby rotating it.

13. The limitation "the other side" found in line 18 of page 18 lacks antecedent basis in the claim. It is recommended "the other side" be changed to "an opposing side".

14. The phrase "the rotator performing the relative rotation to the positioner" found in lines 6-7 of page 19 is unclear as presently worded. It is believed the phrase means "the rotator rotating the positioner".

15. It is unclear as to the meaning of the phrase "realize keeping" in line 20 of page 19. It is recommended the phrase be changed to "keep"

16. The phrase "so as to unlock that state anytime, through the positioner and the rotator which move in accordance with the push-into operation of the storage body" found in lines 21-24 of page 19 is unclear and confusing as presently worded. It is unclear as to what "state" is being referred to. It should be noted that the limitation, "that state" lacks antecedent basis in the claim. Defining the movement of the positioner and the rotator as moving "in accordance with the push-into operation of the storage body" is indefinite as it is not clear what manner of movement that phrase describes and it is unclear exactly what actions need to take place in order for the unlocking to happen. The word "anytime" must be sufficiently modified by the explanations of actions in order to prevent this description of the time at which the unlocking takes place from being indefinite.

17. Lines 25-29 of page 19 which describe the wherein clause directed to the control projection and the pair or end faces is unclear and confusing as presently worded. It is

unclear as to what is defined as the guide passage. Firstly, it would appear that the pair of end faces would define two guide passages as opposed to a single one. Further, the entrance and exit portions should be defined in terms of their relative defining surfaces, not general areas of the fronts and/or backs of the end faces. It cannot be determined what area constitutes the entrance and exit. Are the entrance and exit located at reference number 14 in Figure 6, or are they located at the reference character number 12 and reference characters 16a and 17 respectively, in Figure 6? Also, elements defined with respect to "the guide passage" should be directed towards one of the two guide passages.

18. Also, it would appear that the motion of the positioning protrusion 11 can enter only one side of the block 12 and exit the other side. It would appear that entrance cannot be "on either one of the two end faces" as defined in line 30 of page 19, but rather only one of the end faces.

19. It is unclear, given the issues of defining the exit and entrance, if the "direction of the push-into operation" found in line 28 of page 19 describes the rotational movement from passage 14 to passage 14 (i.e. Figure 6) through the ditch defined by 16a and 17, or solely the linear passage through each passage 14 separately, against the sides of block 12.

20. It is unclear as to what the "a latch ditch" found in lines 8-9 of page 20 is. It is recommended the latch ditch be defined in relation to the surfaces which make up the latch ditch (i.e. surfaces 16a and 17).

21. On page 20, it is unclear with respect to what reference each of the “normal direction” of line 6 and “reverse direction” of line 21 refer to. It is unclear as to what direction the rotator is performing rotation as it would appear the urging force of the second urging member is acting in the direction of the sliding motion of the storage body.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. (Schwartz) (United States Patent No. 4,235,490) in view of Cox (United States Patent No. 3,592,521)

24. As for Claim 1, as best understood, Schwartz is cited for teaching a push-action slide case, comprising: a hollow main case body (10) having an opening on one side thereof (See Figure 1); a storage body (L; See Figures 2-4) slidably placed in the main case body (10), the storage body pushed into the inside of the main case body through the opening toward the other side of the main case body (See Figures 2-4); a cylindrical positioner (33) having a shape protruding in the direction of the push-into operation of the storage body; a positioning ditch (in between teeth 58) which is formed along the periphery of the positioner (33); a cylindrical rotator (52) which is disposed so as to abut against the positioner along the direction of the push-into operation of the storage body

in such a manner to be able to perform relative rotation to the positioner (See Figures 2-4 and 8); an engagement projection (60) which is formed along the periphery of the rotator, detachably engaged with the positioning ditch to determine an attachment position where the rotator is locked into the positioner by the engagement projection being (60) engaged with the positioning ditch, and then to be disengaged from the positioning ditch by the rotator performing the relative rotation to the positioner; a second urging member (37) to constantly push the rotator (52) toward the positioner (33) along the direction of the push-into operation of the storage body in order to engage the engagement projection with the positioning ditch to lock the rotator into the positioner at the attachment position (See Col. 9, line 11- Col. 12, line 33); at least one rotation-generating projection (62) formed on the rotator to make the rotator rotate the positioner against the urging force of the second urging member; and a holder (39) which is fixedly attached to the main case body (at 18), having a cylindrical inner surface (32 attached to 39) where at least one control projection (74's) works with the rotation-generating projection (62) is formed in order to keep the storage body contained within the main case body (10) and to unlock the storage body, through the positioner and the rotator which move in accordance with the push-into operation of the storage body, wherein the control projection (74) has a pair of end faces (longitudinal sides of 74) to define, on the cylindrical inner surface, a guide passage (guide passages 70's and 72's) which guides the rotation-generating projection (62) from an entrance (i.e. 70) to an exit (i.e. adjacent 72) along the direction of the push-into operation of the storage body; on either one of the two end faces (lateral side of 74) , at the entrance of

the guide passage, there is formed a first abutting face (76) which leads, into the guide passage, the rotation-generating projection which moves from the entrance (i.e. 70) of the guide passage to the exit (i.e. adjacent 72) according to the push-into operation of the storage body, pushing the rotation-generating projection (62) for the rotator (52) to perform the relative rotation in a normal direction against the urging force of the second urging member (37); at the exit of the guide passage (i.e. adjacent 72), there is formed a latch ditch (78) with which the rotation-generating projection is locked against the urging force of the second urging member after passing through the guide passage from the entrance to the exit, and from which the rotation-generating projection is unlocked in response to further push-into operation of the storage body (See Col. 9, line 11- Col. 12, line 33); and on the other out of the two end faces (other of lateral sides of 74), at the exit (adjacent 72) of the guide passage, there is formed a second abutting face (adjacent 76) which guides, into the guide passage, the rotation-generating projection (62) which goes through the guide passage from the exit to the entrance after being unlocked from the latch ditch (See Col. 9, line 11- Col. 12, line 33), pushing the rotation-generating projection for the rotator (52) to perform the relative rotation in the reverse direction (direction of ejection of the storage body) against the urging force of the second urging member (37).

25. Schwartz does not explicitly state the cylindrical positioner integrally formed on the storage body and a first urging member.

26. The position is taken that because of the existing abutting nature of the cylindrical positioner 33 on the storage body 12 (as can be seen in Figure 2) it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify the case of Schwartz so as to integrally form the cylindrical position on the storage body in order to simplify the device. Further, it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

27. Cox is cited for teaching a case (14) having a storage body (12) and a first urging member (92). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the case of Schwartz so as to include a first urging member in order to further assist the locking mechanism of Schwartz.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

29. Stephan, Negano et al., Fukumoto, Mestdagh et al., and Huang disclose cam device for push-in slide cases.

30. Ackeret, Paterlini, Weavers, and Ackaret (09/1997), disclose push-in slide cases.

31. Rechberg and Bunting disclose push latches.

32. Bekins et al. and Forsythe disclose rotary latches.

33. Johansson et al., Kudo, Baumeier et al., Yoshino et al., Kim et al., Schultz, Kageyama, Annerino et al., and Nishimura disclose rotary can members.

34. Uchikawa discloses a push-button ejector mechanism.

35. Minami et al. disclose a rotary hinge mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL CALABRESE whose telephone number is (571)270-7862. The examiner can normally be reached on Monday - Thursday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./
Examiner, Art Unit 3637

/Lanna Mai/
Supervisory Patent Examiner, Art Unit 3637